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**FILED**

MARCH 11, 2010

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE LICENSE OF	:	Administrative Action
ANTOINE I. SARA, M.D.	:	
License No. 25MA03131500	:	CONSENT ORDER
TO PRACTICE MEDICINE & SURGERY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened before the New Jersey State Board of Medical Examiners ("Board") upon receipt of complaints from patients W.W. and O.M. regarding the care and treatment administered by Respondent, Antoine I. Sara, M.D. ("Respondent").

On July 22, 2009, Respondent, represented by Joseph A. Ferrante Esq., appeared and testified before a Preliminary Evaluation Committee of the Board. Respondent practices proctology and is Board-Certified in Colon & Rectal Surgery. Respondent admitted that he neither leaves the room while his patients disrobe nor provides them with any gowns or drapes to cover their unclothed bodies. Dr. Sara also testified that he will often conduct rectal

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examinations when neither his wife nor his receptionist are available to act as a chaperone. Further investigation by the Board revealed that Dr. Sara fails to provide adequate written and/or oral notice to his patients of their right to have a chaperone present for all rectal examinations.

Dr. Sara also testified and provided evidence to the Board regarding his medical record-keeping practices. Dr. Sara records his notes and drawings of patient examinations on the paper covering the examination table. He then rips off the paper and puts it in the patient file. As part of his medical practice, Dr. Sara sometimes finds it necessary to take pictures of a patient's unclothed body. Dr. Sara admitted that he keeps these pictures only in digital format and does not print them out to be kept in the patient's file. Dr. Sara also admitted that he sometimes downloads these digital photographs into his personal home computer and maintains them as educational computer files for use in drafting journal articles or preparing lectures. He denied using these photographs in the actual published articles or lectures.

The Board finds that Respondent's conduct as detailed herein constitutes violations of N.J.A.C. 13:35-6.23 (chaperoning requirements), and N.J.A.C. 13:35-6.3(f) (providing that a licensee shall provide privacy and examination conditions which prevent the exposure of the patient's unclothed body). The Board further finds that Respondent's record-keeping practices grossly deviate from the

acceptable standards of practice set forth in N.J.A.C. 13:35-6.5.

The parties desiring to resolve this matter without the need for further disciplinary proceedings, and the Board being satisfied that the need for such proceedings is obviated by the entry of the within Order, and being further satisfied that good cause exists to support entry of the within Order,

It is on this 11TH day of MARCH, 2010,

Ordered and Agreed:

1. Antoine I. Sara, M.D. is hereby formally reprimanded for violating N.J.A.C. 13:35-6.23 by failing to provide his patients with adequate notice of their right to have a chaperone present during a rectal examination.

2. Antoine I. Sara, M.D. is hereby formally reprimanded for violating N.J.A.C. 13:35-6.3(f) by failing to provide his patients with sufficient privacy when disrobing and appropriate gowns or drapes for their unclothed body.

3. Antoine I. Sara, M.D. is hereby formally reprimanded for violating N.J.A.C. 13:35-6.5. Dr. Sara is specifically reprimanded for the following violations:

-During the course of a patient examination, Dr. Sara takes notes and makes drawings on the paper covering the examination table. He then rips off the examination

table paper and puts it in the patient file. This practice of recording patient examinations is unacceptable and is a violation of the Board's record-keeping regulation.

-Dr. Sara's practice of downloading some of the photographs he takes of his patient's unclothed body onto his personal home computer is a serious violation of the confidentiality requirement of the Board's record-keeping regulation, specifically N.J.A.C. 13:35-6.5(d).

-The pictures Dr. Sara takes of his patients are not printed and placed in the patient's file. This makes them inaccessible to the patient, any other health care provider, or any other authorized representative entitled to the patient's medical record. The failure to keep a patient's medical record accessible is a violation of the Board's record-keeping regulation.

4. Antoine I. Sara, M.D. agrees to attend and successfully complete a Board-approved record-keeping course. The course shall be completed within six months of the date of entry of this Order. Dr. Sara shall additionally be responsible to ensure that the course provider submits written confirmation to the Board, following the course, attesting that he attended and successfully completed said course. "Successful completion" means that Dr. Sara attended all sessions of the course, fully participated in the

course, all assignments were properly and appropriately completed, and a passing grade was achieved that was unconditional and without reservation. Dr. Sara shall be entirely responsible for any and all costs or expenses relating to the course.

5. Antoine I. Sara, M.D. is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$3,000. The civil penalty shall be due and owing no later than sixty (60) days from the entry of this Consent Order. Payment shall be submitted by certified check or money order made payable to the State of New Jersey and shall be forwarded to William V. Roeder, Executive Director, State Board of Medical Examiners at 140 East Front Street, Post Office Box 183, Trenton, New Jersey 08625.

6. Failure to comply with any provision of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board. Failure to remit any and all payments required by this Order will result in the filing of a Certificate of Debt.

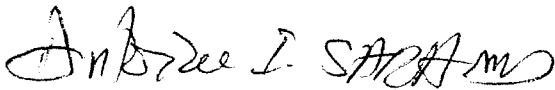
7. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Dr. Sara's conduct prior to entry of this Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



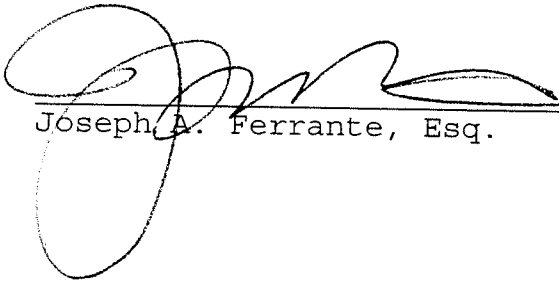
By: Paul C. Mendelowitz, M.D.  
Board President

I have read and understood  
this Agreement and consent  
to be bound by its terms.  
Consent is hereby given to  
the Board to enter this  
Order.



Antoine I. Sara, M.D.

Consented to as to form.



Joseph A. Ferrante, Esq.

**NOTICE OF REPORTING PRACTICES OF BOARD  
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.